October 23, 2015

Megan Mack
Officer for Civil Rights and Civil Liberties
Department of Homeland Security

Dear Ms. Mack:

Our organizations write with urgency and concern about the treatment of over 50 South Asian detainees in the El Paso County Detention Facility who were on a hunger strike between October 14th and October 20th. The hunger strikers include asylum seekers from Bangladesh, Afghanistan, and Pakistan. Since October 14th, Desis Rising Up and Moving (DRUM) has received calls for assistance from the detainees. It is our understanding that the detainees are demanding an immediate halt to deportations and investigations into unfair hearings and interference with their legal cases.

We write with four key civil rights concerns that have arisen in terms of the treatment of the hunger strikers by staff at the El Paso County Detention Facility. First, it is vital that the detainees receive adequate medical care and treatment while on the hunger strike and afterward. We understand that some detainees did not receive adequate treatment and access. Second, we are concerned about potential acts of retaliation by agents at the detention center toward detainees. Our understanding is that at least one of the strikers, Mr. Haji Khiay Mohamed Bilal (A# 202-156-877), was slapped and slammed against a wall by staff before he was taken to solitary confinement for two days. He was finally released to the medical unit on October 18th after multiple calls made by concerned community members to the El Paso County Detention Facility and local ICE office. It is our understanding that he was again taken into solitary confinement on October 20th. From communications with people directly in touch with detained immigrants in El Paso, we learned others who served as interpreters for detainees were also placed into solitary confinement. The acts of retaliation took a turn for the worse on October 19th, when thirty-one strikers were strip searched in front of one another without any explanation or reason. These kinds of actions by detention center staff are abhorrent, and must be investigated thoroughly.

Thirdly, we understand that on October 20th, the Bangladeshi Consular Minister Md. Shamsul Alam Chowdhury visited the El Paso County Detention Facility in person. Apparently, staff at the detention center brought in only the Bangladeshi asylum seekers on the hunger strike to meet with the Consular Minister. We are deeply troubled that Department of Homeland Security may have solicited help from the Bangladeshi Consulate to influence the hunger strike while claims before the immigration courts and/or the Executive Office for Immigration Review are pending. This type of action jeopardizes the asylum claims of the detainees and is in direct violation of 8 CFR 208.6 which "generally prohibits the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determinations." The regulation also notes that if such information is shared publicly, it "could subject the claimant to retaliatory measures by government authorities or non-state actors in

the event that the claimant is repatriated, or endanger the security of the claimant's family members who may still be residing in the country of origin." We also learned this week that the Consular Minister took pictures with the hunger strikers and sent those pictures accompanied by a press release to all of the media outlets in Bangladesh who are allied with the political party from which the detainees are seeking asylum. (*See* http://newsnextbd.com/bangladeshi-detainees-to-be-released-in-phases-from-el-paso-jail/). Now these pictures are all over Bangladesh. We seek additional information from Department of Homeland Security about why the meeting occurred, what was communicated, which ICE officials authorized the visit, and which other U.S. government officials and agencies accompanied the Consular Minister.

Lastly, we are concerned with the lack of language access at the El Paso County Detention Facility. The facility has an obligation under Title VI of the Civil Rights Act and Executive Order 13166 to take the necessary steps required to ensure that non-English speaking detainees have language services available to them. From our communications with the detainees, they received little to no interpretation in their preferred languages at the detention facility. For example, we have heard that standard Bengali interpretation was provided to many individuals, even though the individuals speak Noakhali and Sylhet dialects. These dialects are distinct from standard Bengali, and in some cases are viewed as distinct languages (*See* http://www.ethnologue.com/country/bd/languages).

On the basis of these four reasons, we respectfully request that the Office of Civil Rights and Civil Liberties immediately launch an investigation into El Paso County Detention Facility's practices with respect to the South Asian hunger strikers. This is not the first time that the El Paso County Detention Facility has come under scrutiny; similar concerns arose with the El Paso 37, a group of Punjabi men were detained there two years ago. Clearly, systemic changes need to be put into place at the El Paso County Detention Facility in order to ensure that similar situations do not recur in the future.

We presented a series of questions related to these concerns to the local ICE field office in El Paso earlier this week and received no explanation from their response. Instead, they implied the Bangladeshi Consular Minister visit was at the request of the detainees.

We understand that the hunger strike has ended, but these concerns remain. We look forward to receiving your response. Until such time, we request all deportations be halted.
Please do not hesitate to contact us for any additional information.

Sincerely,

Fahd Ahmed
Director, DRUM

Lakshmi Sridaran
Director of National Policy and Advocacy, SAALT

CC:

Ms. Vanita Gupta
United States Assistant Attorney General for Civil Rights
United States Department of Justice, Civil Rights Division

Congressman Beto O'Rourke
Texas's 16th District

Congresswoman Judy Chu
Chair, Congressional Asian Pacific American Caucus
California's 27th District

Congressman Mike Honda
California's 17th District

Senator Dick Durbin
State of Illinois